

**Minutes  
Council/RDA Meeting  
City Council/Redevelopment Agency  
City of Huntington Beach**

Monday, August 4, 2008  
4:00 PM - Room B-8  
6:00 PM - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**An audio recording of the 4:00 PM portion of this meeting  
and a video recording of the 6:00 PM portion of this meeting  
is on file in the Office of the City Clerk and is archived at  
[www.surfcity-hb.org/government/agendas/](http://www.surfcity-hb.org/government/agendas/)**

**Call to Order**

Mayor Cook called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:04 PM, in Room B-8.

**City Council/Redevelopment Agency Meeting Roll Call**

Present: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio  
Absent: None

(Mayor Pro Tem Bohr arrived at 4:49 PM.)

**The City Clerk Announced Late Communications**

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced the following communication received by the City Clerk's Office pertaining to the Study Session portion of the meeting:

PowerPoint communication submitted by Paul Emery, Interim City Administrator and Dan T. Villella, CPA/Finance Director, undated, titled *City of Huntington Beach Proposed Budget Fiscal Year 2008/09*.

**The Following Communication Was Distributed During the Meeting**

PowerPoint communication submitted by Dan T. Villella, CPA/Finance Director, undated and untitled, supplemental slides presented during the study session.

**Public Comments — None**

**(City Council/Redevelopment Agency) - Study Session Held - Interim City Administrator and Finance Director Presented an Overview of the Interim City Administrator's Recommended Proposed Fiscal Year 2008/09 Budget.**

Paul Emery, Interim City Administrator, acknowledged the cooperative efforts by the Executive Team and City staff during this year's budgetary process. He described certain parameters taken into account this year, including the decline in property and sales tax revenue. In conclusion, he noted that the budget reflects maintenance of all staffing levels, and mentioned that the proposed budget accounts for rising fuel costs and proper accounting for special funds.

He called on Dan Villella, CPA/Finance Director, who echoed Interim Administrator Emery's comments and thanked the Executive Team and City staff, in particular his budget team, Jennifer Lampman, Mike Solarza and Josh Brooks, for their contribution to this year's budget preparation. He then gave a brief overview of the City's proposed budget and asked Jennifer Lampman, Senior Administrative Analyst, to present the PowerPoint report titled *City of Huntington Beach Proposed Budget Fiscal Year 2008/09*. The report included budget considerations, FY 2008/09 budget summary, total appropriations, enterprise funds and other funds depicted in millions, general fund: appropriations, revenue, operating budget vs. operating expenditures, revenue adopted budget vs. actuals, key fund balance reserve (designations), and extraordinary items.

Councilmember Coerper inquired about oil well revenue projections. Analyst Lampman discussed the oil wells located on the City Hall campus from which the City receives revenue, noting this year's revenue increase due to the increased price of oil.

Director Villella indicated that the current year's sales tax projections would not meet the budgeted amount. Councilmember Coerper asked if the City anticipates an increase in sales tax next year, and Analyst Lampman confirmed. Director Villella informed Council that a new chart would be developed to better illustrate projections and actuals.

Mayor Cook referred to the general fund appropriation by department illustration and asked if staff would separate the City Council's budget from the other elected officials' departments. Director Villella stated that he would prepare a separate breakdown for Council's budget for their review at the public hearing of September 2.

Councilmember Green questioned the proposed transfer of the Fire Med services fund balance into the City's general fund, eliminating its separate designation. Interim Administrator Emery discussed the Fire Med services revenue to be no different than other general fund revenues, such as recreation or park fees, which are not earmarked for Community Services. Director Villella informed Council that it is their discretion to budget these revenues and expenditures however they choose; but cautioned them that once different groups of money are earmarked, it becomes more difficult to look at broad City issues.

Councilmember Coerper asked Eric Engberg, City of Huntington Beach Fire Division Chief, if Duane Olson, Fire Chief, supports the Fire Med fund balance transferred to the general fund. Chief Engberg confirmed Chief Olson's support and conveyed their discussions of how it might be best positioned, including the possibility of a three-tiered accounting system. Interim Administrator Emery asked Kevin Justen, Fire Department's Senior Analyst, what the current surplus fund balance is for the Fire Med Program. Analyst Justen confirmed over \$2 million.

Councilmember Hansen questioned how difficult it would be to prepare a separate accounting of the Fire Med fund. Staff discussed a report of details finalized on Friday, August 1, that will be available for Council's review shortly.

Councilmember Green discussed prior accounting audits and restated her preference to keep the Fire Med services fund in its own category.

Councilmember Hardy referred to Page 359 of the Budget document and directed Council's attention to the Fire Med services program shown as its own budget line item, and asked Councilmember Green if that level of identity shown would suffice.

Councilmember Hansen commented that the Fire Med program shown separately within the general fund might enhance the City's ability to obtain grant funds.

Mayor Cook qualified the differences in opinion as a policy decision to be determined at a later date.

Travis Hopkins, Director of Public Works addressed the Capital Improvement Project (CIP) portion of the PowerPoint report.

Mayor Cook asked what percentage of capital projects come from enterprise funds. Director Villella indicated that his staff would develop an enhanced illustration for Council's review.

Councilmember Hardy asked staff to identify the change illustrated in the CIP at Indianapolis Avenue and Brookhurst Street. Bob Stachelski, Transportation Manager, indicated that the project would improve the traffic signal equipment and allow staff to restore the second eastbound turn lane from Indianapolis Avenue.

Councilmember Hansen requested that an actual listing of residential streets be included in the information provided on the chart of Residential Streets CIP. Director Villella noted that staff would provide a more detailed illustration at the public hearing scheduled for September 2.

Mayor Pro Tem Bohr referred to the City-owned Ocean View Estates Mobile Home Park, and questioned cost allocations for fencing and the projected life of the Park. Kellee Fritzel, Deputy Director of Economic Development indicated that not all fencing will be replaced at this time, only the fences between the units that are falling down and confirmed that all leases terminate in 2017.

Councilmember Hardy inquired if staff could later provide a bar graph of the last ten years of sales tax revenue projections versus actuals, and staff confirmed.

Mayor Cook questioned real estate foreclosures and the potential affect on the City's revenue projections. Director Villella stated that all such issues were taken into consideration when developing revenue projections during this volatile year. He then presented supplemental slides that illustrated scenarios that would partially offset negative results of foreclosures.

Mayor Pro Tem Bohr asked if windfalls are shown in the overall property tax projections. Director Villella confirmed and discussed Proposition 13 increases.

Councilmember Coerper thanked Director Villella and staff for tonight's presentation. He questioned the number of cities that have the Fire Med Program fund separated. Director Villella explained that staff surveyed 12 cities which revealed the majority accounting in general funds, the minority accounting in special revenue funds, and none in enterprise funds.

### **Recessed to Closed Session — 5:13 PM**

A motion was made by Coerper, second Bohr to recess to closed session on the following items. The motion carried by consensus of all present, none absent.

(City Council) — Pursuant to Government Code Section 54956.8, the City Council recessed to Closed Session to give instructions concerning price and terms of payment to the City's Negotiator, Deputy City Administrator Bob Hall, regarding negotiations with the Huntington Beach City School District for the purchase or exchange of up to 10.12 acres of real property located at 20451 Craimer Lane in Huntington Beach and the purchase, sale or exchange of APN 114-150-94 in the City of Huntington Beach.

(City Council) — Pursuant to Government Code Section 54957.6, the City Council recessed to Closed Session to meet with its designated labor negotiators: Paul Emery, Interim City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human Resources; Dan Villella, Director of Finance; and Duane Olson, Fire Chief regarding Labor Negotiations with FMA.

(City Council) — Pursuant to Government Code Section 54957, the City Council recessed to Closed Session to discuss the following personnel matter: Recruitment of City Administrator.

(City Council) — Pursuant to Government Code Section 54956.9, the City Council recessed to Closed Session to confer with the City Attorney regarding the following lawsuit: David Boucher v. City of Huntington Beach; WCAB Case Nos. AHM 0129862 and AHM 0129863; Claim Nos. COHB 00-0065 and COHB 99-0033.

### **Reconvened City Council/Redevelopment Agency Meeting — 6:07 PM**

**There Were No Actions Reported by the City Attorney Taken During Closed Session Which Required A Reporting Pursuant to Government Code §54957.1(a) (3) (B).**

### **City Council/Redevelopment Agency Roll Call**

Present: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio  
Absent: None

**Pledge of Allegiance/Flag Salute** — Led by Mayor Pro Tem Bohr

**Invocation** — Provided by Councilmember Coerper

### **City Clerk Announced Late Communications**

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced the following communications received by the City Clerk's Office following distribution of the Agenda packet:

Communication submitted by Mrs. Kay Bennett, dated August 4, 2008, *titled In God We Trust.*

Communication submitted by Jim Engle, Director of Community Services, dated August 4, 2008, *titled Late Communication - Item E-14.*



Communication submitted by Patricia Enyeart, dated August 4, 2008, in opposition of additional cameras on or near the pier.

Communication submitted by Jackie M., dated August 1, 2008, titled *New City Manager*.

### **The Following Communications Were Distributed During the Meeting**

Communication submitted by Kay Goddard, Shipley Nature Center, undated and titled *Shipley Nature Center*, a brochure of the Nature Center.

Communication submitted by Robert Mabry, dated July 30, 2008, titled *Request for Assistance*, email communication and photograph packet.

### **Presentation - Huntington Beach Restaurant Association**

Mayor Cook was joined by Erika Reardon, Huntington Beach Restaurant Association, who presented a \$4,000 check to the Project Self Sufficiency Foundation and a \$35,000 check to Friends of the Children's Library. Ms. Reardon stated that the checks represented proceeds of the *Taste of Huntington Beach* fundraiser held in April. Recipients thanked Ron McLin, President of Downtown Merchants, for his hard work and devotion to this annual fundraiser.

### **Presentation - Shipley Nature Center**

Mayor Cook called on Kay Goddard, President of the Friends of Shipley Nature Center, who presented a PowerPoint annual report of the Shipley Nature Center before and after its restoration. She thanked the Community Services Department for its ongoing support and informed the public that the Nature Center is open Monday through Saturday, 9:00 AM - 1:00 PM, closed on Sundays. She advised Council that due to the increased number of visitors to the Center, there is a need to provide funding for an ongoing Center Habitat Manager position and provide for more adequate restroom facilities. Mayor Cook thanked Kay for her hard work and devotion to the Center and its restoration project.

Councilmember Coerper requested the number of restroom facilities currently at the Nature Center. President Goddard described two small restrooms in the original building that are not Americans with Disabilities Act (ADA) accessible, and have maintenance issues and one ADA accessible porta potty located outside of the Center.

Councilmember Carchio asked Jim Engle, Director of Community Services, for projected costs of a new restroom facility. Director Engle discussed the units previously presented to Council to be used at the Blufftop Park by the beach, which were projected at approximately \$80,000 - \$90,000.

### **Public Comments**

(The numbers following speakers' comments reflect the approximate point in time in the archived video the speakers appear at <http://www.surfcity-hb.org/government/agendas>)

**Kelly Anderson**, resident of Huntington Beach, discussed her perception of City Manager Fred Wilson's poor management of animal shelters in the City of San Bernardino. She also read an excerpt from an article published in the *Press Enterprise* on May 11, 2008, pertaining to an alleged awareness of Mr. Wilson's involvement in a child molestation case. (20:40)

**Robert Hite**, resident on Warner Avenue in Huntington Beach, addressed a recent article in the Orange County Register about the City's roadwork project on Warner Avenue between Algonquin Street and Pacific Coast Highway as "Back on Track." He voiced concerns related to old sewer pipe connecting to new sewer pipe, weeds, the aesthetic condition of the south side of Warner along the wetlands, needed police enforcement of speeding motorists and motorcyclists, improper soil sampling, and the deteriorated condition of the bridge on Warner Avenue just before the fire station. He urged Council to help the residents of this area to get this project resolved. (23:58)

**Robert Mabry**, resident on Ellsworth Drive in Huntington Beach, discussed the packets of photographs he distributed to Council illustrating a recent accident that occurred when a truck crashed through the front of his home, causing physical and monetary damage. He requested Council's assistance for the City to construct a substantial temporary/permanent barrier at the corner of his home along Magnolia Avenue at Ellsworth Drive. (27:15)

**Stephen J. Stemmer**, resident of Huntington Beach, discussed potentially dangerous situations of persons who fish off of the pier near surfers, body boarders and swimmers in the ocean. He described fishing lines in the water that have wrapped around his arms; neck and surfboard. He presented Council with a pictorial solution of ideas for signage to be displayed that depicts acceptable areas for fishing. On behalf of those who enjoy the water, he urged Council to meet halfway and develop a policy to eliminate potential risk and liability. (30:25)

**Allen Baylis**, resident of Huntington Beach, voiced concerns of tonight's proposed ordinance No. 3810 amending the water management program. He stated his preference to implement a tiered-water rate system for larger households, and urged Council to look at other ways to address water conservation. He expressed support for banning persons from hosing down their driveways, which collects in gutters and ultimately ends up in the ocean. He urged Council to consider the formation of a community-wide committee to study water conservation issues as opposed to adopting tonight's ordinance. (32:20)

#### **(City Council) AB 1234 Disclosure**

A report was submitted by Mayor Pro Tem Bohr, which is available in the City Clerk's Office.

#### **City Administrator's Report**

Mayor Pro Tem Bohr asked Paul Emery, Interim City Administrator, for an updated report on the road work project at Warner Avenue and Algonquin Street. Interim Administrator Emery called on Travis Hopkins, Director of Public Works, who discussed the project timeline, informing Council and the general public that all updated information has been posted on the City's website. He stated that once the interim work is completed (November), all traffic control measures affecting Warner Avenue will be removed.

#### **(City Council) Reviewed and Accepted Shari L. Freidenrich, City Treasurer's June 2008 Investment Summary Report Entitled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, Deferred Compensation, and Retiree Medical Trust Activity for June 2008**

The City Council considered a communication from Shari L. Freidenrich, City Treasurer, transmitting the Monthly Investment Report and Summary of Investments for June 2008.

Councilmember Coerper voiced his appreciation for Treasurer Freidenrich's outstanding job that she's done over the past years.

A motion was made by Coerper, second Hardy to accept the Monthly Investment Report entitled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, Deferred Compensation, and Retiree Medical Trust Activity for June 2008*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio  
NOES: None

**(City Council) Public Hearing Held - Adoption of Resolution No. 2008-43 Adjusting the Affordable Housing In-Lieu Fee for New Residential Projects Consisting of Three to Nine Units as Authorized by Zoning and Subdivision Ordinance 3687 Section 230.26**

Mayor Cook announced that this was the time noticed for a public hearing to consider a communication from the Director of Planning transmitting the following **Statement of Issue**: Transmitted for City Council's consideration is a resolution that provides for the annual adjustment to the affordable housing in-lieu fee for new residential projects with three to nine units, pursuant to the Zoning and Subdivision Ordinance. Staff recommends the City Council approve the resolution because the adjustment is in compliance with city regulations and reflects a decrease in the fee commensurate with current market conditions.

Interim Administrator Emery called on Scott Hess, Director of Planning, who gave a PowerPoint report titled *Affordable Housing In-Lieu Fee Annual Adjustment*, which included the following information: The request for an annual adjustment, background, existing and proposed adjusted in-lieu fee schedule, analysis, and recommendation.

Mayor Cook opened the public hearing.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor closed the public hearing.

A motion was made by Coerper, second Bohr to adopt **Resolution No. 2008-43**, "*A Resolution of the City of Huntington Beach adjusting the Affordable Housing In-Lieu Fee as authorized by Zoning and Subdivision Ordinance 3687 Section 230.26 (Attachment No. 1).*" The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio  
NOES: None

**(City Council) Public Hearing Held - Approved 2008-09 Housing and Urban Development (HUD) Action Plan for the Community Development Block Grant (CDBG)/HOME Investment Partnership Program (HOME) as Proposed by Staff and the Citizens Participation Advisory Board (CPAB); Authorized the City Administrator to Sign for Federal Assistance of \$1,364,291 in CDBG and \$747,206 in HOME Funds for the 2008/09 Grant Year; Reallocated \$5,000 of Unprogrammed CDBG Funds to Project Self-Sufficiency (PSS); and, Approved a Minor Amendment to the Citizen Participation Plan**

Mayor Cook announced that this was the time noticed for a public hearing to consider a communication from the Director of Economic Development transmitting the following **Statement of Issue:** The Department of Housing and Urban Development (HUD) requires that the City conduct a public hearing and approve the City's annual Action Plan in order to receive the two entitlement grants: Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME). The approved 2008/09 Action Plan must then be submitted to HUD no later than August 15, 2008. A minor amendment to the Citizen Participation Plan is also recommended for City Council approval.

NOTICE IS HEREBY GIVEN that the City Council will hold its Public Hearing on the 2008/09 Action Plan and its revised Citizen Participation Plan on Monday, August 4, 2008 at 6:00 PM or soon thereafter at the Huntington Beach Civic Center, 2000 Main Street, Council Chambers. The hearing will be held in accordance with the City's Consolidated Plan (CP) as required by the U.S. Department of Housing and Urban Development (HUD) for receipt of \$1,364,291 in Community Development Block Grant (CDBG) funds, and \$747,206 in HOME Investment Partnership (HOME) funds. The 2008/09 Action Plan proposes the CDBG and HOME budgets from October 1, 2008 to September 30, 2009. A minor amendment to the Citizen Participation Plan clarifies policies regarding the reprogramming of CDBG funds.

Stanley Smalewitz, Director of Economic Development, called on Carol Runzel, Senior Administrative Analyst, who gave a PowerPoint presentation titled *Action Plan 2008-09 Community Development Block Grant and HOME Program Public Hearing*, which included the following information: Action items, the Consolidated Plan, the Process, pie chart of percentages designated for CDBG administration, Section 108 loan payment, the Housing Rehab loan administration, special code enforcement, public improvements and public services, recommendations for administration and non-public services projects, recommendations for public services, HOME Program, Citizen Participation Plan, and next steps for approvals.

Councilmember Coerper clarified with Analyst Runzel the recommended change of any new proposed project of \$100,000 or less the Citizen Participation Advisory Board (CPAB) would be the hearing body whose recommendation would be forwarded to City Council for approval. With a recommendation from CPAB, if the proposed project is greater than \$100,000 the City Council will be the hearing body.

Mayor Cook opened the public hearing.

**Shirley Dettloff**, representing the Community Care Health Center of Huntington Beach, urged Council to support CPAB's recommendation and designated funding for the Community Care Health Center (CCHC). She highlighted CCHC's health and medical services provided, stating that CCHC serves over 9,000 patients/30,000 visits annually. She informed Council that there are 500,000 uninsured persons in Orange County who have nowhere to turn when sick other than community clinics or hospital emergency rooms. She thanked Council for its previous support over the years and urged their support this evening. (56:55)

Councilmember Coerper questioned if a county hospital/facility exists in Orange County, and Mrs. Dettloff indicated that there is not a county-wide public hospital in Orange County. She indicated that there are several clinics within Orange County that provide the same services, adding that CCHC is the most diverse facility because it includes a dental clinic not offered at other clinics. Councilmember Coerper thanked Mrs. Dettloff for her years of dedicated service to CCHC.



Mayor Pro Tem Bohr asked Mrs. Dettloff where she goes for her healthcare and asked her to elaborate on requirements for board members like herself. Mrs. Dettloff stated that any community clinic that receives federal funding has a requirement that 51% of its board members must receive their healthcare at the clinic and that is what she does. He then asked Mrs. Dettloff to further describe how that regulation benefits the funding opportunities here in Huntington Beach.

**Mainor Flores**, member of Community Services Program (CSP) leadership group, urged Council to support tonight's recommended funding for CSP, and described his involvement over the past five years. He described the positive services CSP provides to the community of which he enjoys. (1:02:28)

**Yvonne Flores**, Ocean View High School, spoke in support of the importance and positive influence of the CSP leadership group. She discussed positive aspects of learning the significance of education, time management skills and the various fundraisers that she works at different venues throughout the community. (1:03:40)

**Laura Lopez**, Ocean View High School student, voiced support of the CSP Leadership Program, and the positive aspects of helping the community. She described gang activity in the Oakview neighborhood, and discussed the positive influence of CSP in her life and others her age. (1:05:07)

**Araceli Arizmendi**, resident in Huntington Beach, discussed the positive programs provided by CSP of which she is so appreciative and involved. She highlighted the various fundraisers in the community for which she has worked and the proceeds that fund field trips that she enjoys. (1:06:33)

**Elsa Greenfield**, Program Director of CSP's Gang Prevention and Youth Development Program, thanked Council for its past and continued support. She discussed the mission of CSP to work for the elimination of gangs, drugs and youth violence. She described how CSP provides positive alternatives to the kids, working closely with the police department providing an educational and preventative model that complements the participant's efforts. She provided an example of an annual anti-graffiti contest whereby the CSP leadership youth not only resist gang activity, but now they come out and speak against it in the community. She urged Council to fund this program at the level that keeps these programs in place. (1:08:03)

**Bob Watts**, Surf City senior, addressed the HOME Investment Partnership of the 2008/09 Action Plan, and referred to the language whereby the City of Huntington Beach is working with Community Housing Development Organizations (CHDOs) to acquire multi-family rental properties. He quoted from the Plan's provision of "providing suitable living environment for the safety and livability of neighborhoods..." and identified that he lives in the Five Points Senior Apartments on Florida Street. He voiced safety concerns for the elderly and female residents in his complex who live within close proximity to registered sex offenders. He questioned if the City would include safety provisions within the City's contract that would negate his management company's repeated rentals of apartments to sex offenders, and urged Council's assistance in this matter. (1:10:14)



Councilmember Carchio expressed sympathy with the previous public speaker, and stated that he tried to address this issue with Council previously during which time he verified with the police department that tenants and surrounding neighbors of registered sex offenders are notified.

Police Chief Ken Small informed Council that community notifications are made when a sex offender is elevated to a "high-risk offender" status.

Mayor Pro Tem Bohr asked staff if it would be feasible to incorporate a clause in City contracts to disallow rentals of the City's units to registered sex offenders. Stanley Smalewitz, Director of Economic Development, stating not to speak to the legal aspect of the question, discussed the City's requirements for affordable housing contracts. He described impacts of federal and state housing requirements that may limit the City's ability to create any limitations on rental units.

There being no further persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor closed the public hearing.

A motion was made by Coerper, second Hansen to **1)** Approve the 2008/09 Action Plan for the CDBG Program and HOME Program and authorize the City Administrator to sign the application for federal assistance for \$1,364,291 in CDBG and \$747,206 in HOME for the 2008/09 grant year and reallocate \$5,000 of unprogrammed CDBG funds to Project Self Sufficiency for 2008/09; **2)** Approve the text amendment to the Citizen Participation Plan. The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio  
NOES: None

#### **Consent Calendar — Items Approved**

(Exceptions to the 7-0 affirmative votes are indicated in Bold under the Consent Items below.)

A motion was made by Green, second Coerper to approve the following items on the Consent Calendar by affirmative roll call vote. The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio  
NOES: None

**(City Council/Redevelopment Agency) Approved Minutes – 1)** Approved amendment to the Minutes of April 21, 2008, with strikethrough language to be deleted from the Public Comments section, Page 6 of 18, as approved by the City Council on May 5, 2008; and, **2)** Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meeting of July 21, 2008, as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**Approved 6-0-1 (Hardy abstain)**

**(City Council) Approved the Appointment of Catherine McGough to the Community Services Commission for a First Term of July 1, 2008 Through June 30, 2012 as Recommended by Council Liaisons Councilmembers Joe Carchio, Cathy Green and Don Hansen.** Approved the appointment of Catherine McGough as a school board representative for Huntington Beach City School District for a first term. The term will be from July 1, 2008,

through June 30, 2012. Submitted by the Director of Community Services. **Funding Source:** Not applicable.

**(City Council) Approved the Appointment of Kathie Schey to the Historic Resources Board for a Partial Term to Expire June 30, 2009 to Fill the Term of Orville Hanson as Recommended by Council Liaisons Councilmembers Joe Carchio, and Jill Hardy.**

Approved the appointment of Kathie Schey for a term to expire June 20, 2009, to fill the term of Orville Hanson as recommended by Council Liaisons Carchio and Hardy. Submitted by the Director of Community Services. **Funding Source:** Not applicable.

**(City Council) Approved the Appointment of Greg Marrero to the Allied Arts Board for a Partial Term to Expire June 30, 2009 to Fill the Term of Elaine Keely as Recommended by Council Liaisons Mayor Debbie Cook and Councilmembers Cathy Green and Don Hansen.**

Approved the appointment of Greg Marrero for a partial term to expire June 30, 2009 to replace the resignation of Elaine Keely, who completed her first term on June 30, 2007, as recommended by Council liaisons Cook, Green and Hansen. Submitted by the Director of Community Services. **Funding Source:** Not applicable.

Mayor Cook congratulated and welcomed Catherine McGough to the Community Services Commission; Kathie Schey to the Historic Resources Board; Greg Marrero to the Allied Arts Board; and David Barton and Jan Garner to the Personnel Commission.

**(City Council) Approved Release of the Faithful Performance Bond Provided as Security by Tuscany Development, Inc./Kelter Homes, Developer of Tract 16740, Located at 19150 Gothard Street, East Side of Gothard Street, South of Garfield Avenue; Accepted Guarantee and Warranty Bond; and, Authorized Recordation of Notice of Acceptance of Public Improvements.** 1) Accepted the improvements construction and dedicated for public use with Tract 16740; 2) Accepted Guarantee and Warranty Bond No. 863980S; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; 3) Released the Faithful Performance Bond No. 863980S, Labor and Material Bond No. 863980S and Monument Bond No. 863981S (monument bond number change revision included) pursuant to the California Government Code Section No. 66499.7(a); 4) Instructed the City Clerk to notify Tuscany Development, Inc. a California Corporation, the subdivider of Tract No. 16740, of this action, and the City Treasurer to notify Inscodico Group Insurance Company, of this action; and, 5) Instructed the City Clerk to record the Acceptance of Public Improvements with the Orange County Recorder. Submitted by the Director of Public Works. **Funding Source:** Not applicable.

**(City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$437,000.50 to GMC Engineering, Inc. for the Magnolia Street Sidewalk Project, CC-1228 and Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney.** 1) Approved the project plans and specifications for the Magnolia Street Sidewalk Project, CC-1228; 2) Accepted the lowest responsive and

responsible bid submitted by GMC Engineering, Inc. in the amount of \$437,000.50; and, 3) Authorized the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. Submitted by the Director of Public Works. **Funding Source:** Funds in the amount of \$535,000 are budgeted in the Southeast Coastal Redevelopment Project Area (SCRPA), Street Improvement Account No. 31580101.82300. The engineer's estimate for the Magnolia Street Sidewalk Project was \$523,300.

**City Council) Approved Release of the Faithful Performance Bond, Labor and Material Bond and Monument Bond Provided as Security by Lowe's HIW, Inc., Developer of the Lowe's Home Improvement Warehouse, Located at 8175 Warner Avenue, Northeast Corner of Beach Boulevard and Warner Avenue; Accepted Guarantee and Warranty Bond; and, Authorized Recordation of Notice of Acceptance of Public Improvements. 1)** Accepted the improvements constructed for public use per Conditional Use Permit 00-31 and offsite improvement plans for the project; **2)** Released the following: -a. Faithful Performance Bond No. 104 212 421, b. Labor and Material Bond No. 104 212 421, and c. Monument Bond No. 104 313 422; **3)** Instructed the City Clerk to notify the developer, Lowe's HIW, Inc., of this action, and the City Treasurer to notify the surety, Travelers Casualty and Surety Company of America of this action; and, **4)** Instructed the City Clerk to record the Acceptance of Public Improvements with the Orange County Recorder. Submitted by the Director of Public Works. **Funding Source:** No funds are required for this action.

**(City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$1,345,397 to Pascal and Ludwig Constructors, for the Sewer Lift Station #26 and Force Main Replacement Project, CC-1297; Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney; and, Authorized the Director of Public Works to Approve up to Fifteen Percent (15%) in Construction Change Orders. 1)** Approved the project plans and specifications for the Lift Station #26 and Force Main Replacement Project, CC-1297; **2)** Accepted the lowest responsive and responsible bid submitted by Pascal and Ludwig Constructors in the amount of \$1,345,397; **3)** Authorized the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney; and, **4)** Authorized the Director of Public Works to approve up to fifteen percent (15%) in construction change orders. Submitted by the Director of Public Works. **Funding Source:** Funds are available in the Sewer Service Charge Fund, Sewer Lift Station CIP Account No. 51189001.82100. The engineer's estimate for this project was \$2 million.

**(City Council) Adopted Resolution No. 2008-45 Approving a Side Letter to the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Police Management Association (PMA) Changing the Date Requiring a Bachelor's Degree to be Eligible to Test for, and Promoted to, the Position of Police Lieutenant From July 1, 2007 to July 1, 2010. Adopted Resolution No. 2008-45, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Police Management Association, by Adopting the Side Letter of Agreement (Regarding Educational Requirement for Eligibility to Test for Police Lieutenant) from July 1, 2007 to July 1, 2010. Submitted by the Chief of Police. Funding Source:** Not applicable.

**(City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$45,911 to Steiny and Company, Inc., for the Street Lighting Modifications Along Pacific Coast Highway From 11th Street to Main Street, CC-1266; and, Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney. 1)** Approved the project plans and specifications for the Street Lighting Modifications along Pacific Coast Highway from 11th Street to Main Street (CC-1266); **2)** Accepted the lowest responsive and responsible bid submitted by Steiny and Company, Inc., in the amount of \$45,911; and, **3)** Authorized the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. Submitted by the Director of Public Works. **Funding Source:** Funds totaling \$1 million have been appropriated in the current budget year for the upgrading and replacement of street lighting in the downtown area. The funding amount also includes other roadway segments for street lighting upgrades in addition to this segment on

Pacific Coast Highway. Funding is from the Redevelopment Agency Account 30590006.82700. The engineer's cost estimate for this project (CC-1266) is \$98,000.

**(City Council) Approved Project Plans and Specifications and Awarded Construction Contract in the Amount of \$226,900 to CSI Electrical Contractors, Inc., for the Traffic Signal Installations at the Intersection of Goldenwest Street and Rio Vista Drive (CC-1300) and at Adams Avenue and Ranger Lane (CC-1311); and, Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney.** 1) Approved the project plans and specifications for the Traffic Signal Installations at the intersection of Goldenwest Street and Rio Vista Drive (CC-1300), and at Adams Avenue and Ranger Lane (CC-1311); 2) Accepted the lowest responsive and responsible bid submitted by CSI Electrical Contractors, Inc., in the amount of \$226,900; and, 3) Authorized the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. Submitted by the Director of Public Works. **Funding Source:** Funds totaling \$992,500 have been appropriated in the current budget year from the Traffic Impact Fee Account 20690007.82700 for new traffic signal installations including these two locations. The engineer's construction cost estimate for this project is \$490,000.

**(City Council) Approved the Design and Location of a Sign Displaying the National Motto "In God We Trust" on the Wall of the City Council Chambers Approved the design and location of the national motto, "In God We Trust" on the wall of the City Council Chambers behind the City Council dais and next to the flags.** Approved the design and location of the national motto, "In God We Trust" on the wall of the City Council Chambers behind the City Council dais and next to the flags. Submitted by City Councilmembers Cathy Green, Joe Carchio, and Gil Coerper. **Funding Source:** The cost for the sign will be covered out of the City Administrator's Office, general supplies budget, account #10030101.63100. **Approved 4-2-1 (Hardy, Cook No; Bohr abstain)**

**(City Council) Approved and Authorized the Chief of Police to Execute a One-Year Grant Agreement With the State of California, Office of Traffic Safety (OTS), National Highway Traffic Safety Administration, In the Amount of \$181,077 for a Driving Under the Influence (DUI) Enforcement and Awareness Program; Approved Appropriation, Established a Separate Business Unit, and Authorized Expenditure of Same Amount Plus Any Accrued Interest.** 1) Approved and accepted the one year Grant Agreement #AL0998 between the State of California-Office of Traffic Safety and the City of Huntington Beach and authorize the Chief or Police to execute the Agreement; 2) Approved appropriations and estimated revenue in the amount of \$181,077; 3) Established a separate business unit for this funding; 4) Authorized the Chief of Police to expend up to \$181,077, plus any accrued interest on the DUI Enforcement and Awareness Program. Submitted by the Police Chief. **Funding Source:** This is a one-year reimbursable grant, which is funded by the State of California-Office of Traffic Safety, through the National Highway Traffic Safety Administration, in the amount of \$181,077 for the period of October 1, 2008 through September 30, 2009. Funding is from sources not accounted for in the budget process.

**(City Council) Approved and Authorized the Mayor and City Clerk to Execute a Five-Year License Agreement With Abercrombie and Fitch Company to Add Seven Additional Cameras (for a Total of Nine) Providing Live Video Feed to its Hollister Stores From the Huntington Beach Pier.** Approved the City Agreement with Abercrombie and Fitch Co. to provide live video feed to its stores from the Huntington Beach Pier and authorized the Mayor and City Clerk to execute said agreement. Submitted by the Director of Community Services.



**Funding Source:** Not applicable. The City will receive an escalating fee beginning at \$116,000 per year for the license agreement plus an inflationary factor. Additionally, the City shall receive an escalating "signing bonus" for lifeguard equipment at the beginning of the new agreement and at each five-year extension. This fee will be \$50,000 plus an inflationary factor at the beginning of each extension.

**(City Council) Approved and Authorized the Mayor and City Clerk to Execute Professional Services Contracts With: 1) TransSystems in an Amount Not to Exceed \$3 Million Over a Five-Year Period, 2) Dudek in an Amount Not to Exceed \$3 Million Over a Five-Year Period, 3) CivilSource in an Amount Not to Exceed \$3 Million Over a Five-Year Period, and 4) IDS Group in an Amount Not to Exceed \$3 Million Over a Five-Year Period for "As-Needed" Construction Management and Administrative Support Services. 1)**

Approved the Professional Services Contract Between the City of Huntington Beach and TransSystems for As-Needed Construction Management and Administrative Support Services for an amount not to exceed \$3 million; **2)** Approved the Professional Services Contract Between the City of Huntington Beach and Dudek for As-Needed Construction Management and Administrative Support Services for an amount not to exceed \$3 million; **3)** Approved the Professional Services Contract Between the City of Huntington Beach and CivilSource for As-Needed Construction Management and Administrative Support Services for an amount not to exceed \$3 million; and, **4)** Approved the Professional Services Contract Between the City of Huntington Beach and IDS Group, Inc. for As-Needed Construction Management and Administrative Support Services for an amount not to exceed \$3 million. Submitted by the Director of Public Works. **Funding Source:** Funds are available within budgeted capital improvements projects.

**(City Council) Approved the Re-appointments David S. Barton and Jan P. Garner to the Personnel Commission, Each to Serve Second Terms Effective July 1, 2008 through June 30, 2012 as Recommended by Council Liaisons Mayor-Pro Tem Bohr and Councilmembers Hardy and Coerper.** Approved the reappointments of David S. Barton and Jan P. Garner to the Personnel Commission. **Funding Source:** Not Applicable.

**(City Council) Adopted Resolution No. 2008-46 Designating Certain City Staff as Persons Authorized to Execute Financial Transactions in the Name of the City of Huntington Beach.** Adopted Resolution No. 2008-46, *"A Resolution of the City Council of the City of Huntington Beach Authorizing the Manual and/or Facsimile Signatures of Shari L. Freidenrich, Paul S. Emery, Joyce M. Zacks, and James Slobojan."* Submitted by Shari Freidenrich, City Treasurer. **Funding Source:** Not Applicable

**(City Council) Adopted Resolution No. 2008-47 to Levy a Retirement Property Tax for Fiscal Year 2008/2009 to Pay for Pre-1978 Public Safety Employee Retirement Benefits.** Adopted Resolution Number 2008-47, *"A Resolution of the City Council of the City of Huntington Beach Levying a Retirement Property Tax for Fiscal Year 2008/2009 to pay for Pre-1978 Employee Retirement Benefits,"* of \$.00900 per \$100 of assessed valuation. Submitted by Dan T. Villella, CPA. **Funding Source:** Not Applicable.  
**Approved 5-2 (Hansen, Carchio No)**

**(City Council) Approved the Appointment of Fred Wilson as City Administrator Effective September 22, 2008 and Executed a Personal Services Agreement. 1)** Approved the appointment of Fred Wilson as City Administrator; and **2)** Authorized the Mayor and City Clerk to execute *"Agreement for Personal Services - City Administrator,"* between the City of



Huntington Beach and Fred Wilson. Submitted by Jennifer McGrath, City Attorney. **Funding Source:** City Administrator's Budget 10030101.

**(City Council) Approved a City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC)**

The City Council considered a communication from Councilmember Jill Hardy, Chair on behalf of Intergovernmental Relations Committee Members Mayor Pro Tem Keith Bohr and Councilmember Don Hansen transmitting the following

**Statement of Issue:** Approval of City Council positions as recommended by the City Council Intergovernmental Relations Committee (IRC) on legislation or budget issues pending before a federal, state, or regional government; and approval of the City's federal funding agenda for this year. Funding Source: Not Applicable

A motion was made by Hardy, second Bohr to:

1. OPPOSE HR 3121 (Waters) - Flood Plain: Flood Insurance - As Amended May 13, 2008.
2. SUPPORT AB 2466 with suggested amendments(Laird) - Public Utilities - Local government energy producers - As Amended June 12, 2008.
3. OPPOSE AB 2716 (Laird) - Employment: Sick Days - As Amended June 19, 2008.
4. OPPOSE SB 1016 Unless Amended (Wiggins) - Diversion: Compliance: per capita disposal rate - As Amended July 2, 2008.
5. SUPPORT SB 1146 (Cedillo) - Disclosure: Franchise Tax Board and Cities - As Amended July 2, 2008.

The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio  
NOES: None

**Ordinances for Adoption**

**(City Council) Adopted Ordinance No. 3808 Amending Huntington Beach Municipal Code (HBMC) Chapter 17.56 Regarding Fire Sprinkler and Construction Requirements. (Approved for Introduction July 21, 2008)**

A motion was made by Coerper, second Green to after the City Clerk reads by title, Adopt **Ordinance No. 3808**, "*An Ordinance of the City of Huntington Beach Amending Chapter 17.56 of the Huntington Beach Municipal Code Relating to the Fire Code.*" The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio  
NOES: None

**(City Council) Adopted Ordinance No. 3809 Amending the Huntington Beach Municipal Code (HBMC) Chapter 10.12 Relating to Speed Limits by Increasing the Speed Limit by Five Miles Per Hour on Four Street Segments and Decreasing the Speed Limit by Five Miles Per Hour on Eight Street Segments.  
(Approved for Introduction July 21, 2008)**

A motion was made by Green, second Carchio to after City Clerk reads by title, Adopt **Ordinance No. 3809**, *"An Ordinance of the City of Huntington Beach Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits."* The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio  
NOES: None

### **Ordinances for Introduction**

**(City Council) Approved for Introduction Ordinance No. 3810 Amending Chapter 14.18 of the Huntington Beach Municipal Code (HBMC) Relating to the Water Management Program; and, Adopt Resolution No. 2008-44 Adopting an Updated Water Management Program**

The City Council considered a communication submitted by the Director of Public Works transmitting the following

**Statement of Issue:** Chapter 14.18 of the Municipal Code establishes a Water Management Program for the City based upon the need to conserve water supplies and to avoid or minimize the effects of future water shortages. With water delivery curtailments possible in the near future, an updated Water Management Program is proposed. Funding Source: Any funds needed to implement the Water Management Program will be provided by the Water Fund (506) operating budget.

Councilmember Hardy reiterated her support for the idea of allocation-based tiered rates for the future.

A motion was made by Coerper, second Carchio to after the City Clerk reads by title, 1) Approve Introduction of **Ordinance No. 3810**, *"An Ordinance of the City of Huntington Beach Amending Chapter 14.18 of the Huntington Beach Municipal Code Relating to the Water Management Program;"* and 2) Adopt **Resolution No. 2008-44**, *"A Resolution of the City Council of the City of Huntington Beach Adopting the Water Management Program."* The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio  
NOES: None

**(City Council) Approved for Introduction Ordinance No. 3811 Deleting Chapter 2.06 of the Huntington Beach Municipal Code (HBMC) Relating to Campaign Documents**

The City Council considered a communication submitted by the City Attorney transmitting the following

**Statement of Issue:** On June 16, 2008, the City Council passed and adopted Ordinance No. 3802 amending Chapter 2.07 of the Huntington Beach Municipal Code (HBMC) relating to Campaign Contribution Reform, however, the ordinance repealing Chapter 2.06 of the HBMC relating to Campaign Documents was inadvertently not brought back for Council's consideration at the City Council meeting on June 16, 2008. **Funding Source:** Not applicable

A motion was made by Green, second Carchio to after City Clerk reads by title, adopt **Ordinance No. 3811**, *"An Ordinance of the City of Huntington Beach Deleting Chapter 2.06 of the Huntington Beach Municipal Code Relating to Campaign Documents in its Entirety."* The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio  
NOES: None

**(City Council) Submitted by Councilmember Carchio - Public Access Defibrillation Program.**

The City Council considered a communication from Councilmember Joe Carchio transmitting the following

**Statement of Issue:** Sudden cardiac arrest kills an estimated 166,000 people each year in the United States. The national survival rate for sudden cardiac arrest is less than 5%. Reducing these deaths and improving the survival rate is accomplished by having a strong "Chain of Survival." The "Chain of Survival" includes early access by calling 911, early CPR, early defibrillation and early advanced care.

Most sudden cardiac arrests are caused by ventricular fibrillation which is chaotic cardiac electrical activity that prevents the heart from pumping blood. The simple-to-use Automated External Defibrillator (AED) delivers an electrical shock that re-boots the heart and restores normal electrical and mechanical function.

I proposed that we implement a citywide Public Access Defibrillation (PAD) program in which AEDs would be strategically placed in selected City facilities including City Hall, Central Library, the Fire Training Center, The corporate Yard, The Senior Center, and the City's recreation buildings at Edison and Murdy Parks. These AEDs would be accessible for use by trained City staff.

Councilmember Hardy thanked Councilmember Carchio for presenting this item during the budget review for Council's consideration.

Councilmember Green discussed the timely aspect of the proposed item, indicating a sense of urgency for its implementation. She reported that statistics show that survival rates are increased dramatically with the widespread use of the proposed program.

Mayor Cook inquired as to how the proposed locations were identified and Councilmember Carchio described discussions held with Fire Chief Duane Olson during which the most critical locations needed for the defibrillators were identified. Mayor Cook stated her preference for facilities locations to be kept open ended for future additions or relocations yet to be determined.

A motion was made by Coerper, second Green to authorize the expenditure of second-tier reserve funds in an amount not to exceed \$30,100 for the implementation of a Public Access Defibrillation program, as amended to leave facilities locations open ended for potential additions or suggested relocations yet to be identified. The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio  
NOES: None

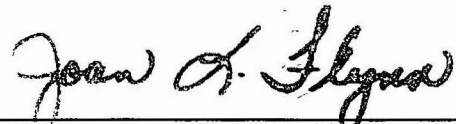
**Council Comments — (Not Agendized)**

No comments provided.

**City Council/Agency Adjournment**

Mayor Cook adjourned the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach at 7:38 PM.

The next regularly scheduled meeting will be Monday, August 18, 2008, at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

**ATTEST:**

  
City Clerk-Clerk  
Mayor-Chair